

AMENDED IN ASSEMBLY APRIL 21, 2009

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

ASSEMBLY BILL

No. 1355

Introduced by Assembly Member Fong

February 27, 2009

An act to amend Sections 31855.5, 31855.6, 31855.7, and 31855.9 of the Government Code, relating to county employees' retirement.

LEGISLATIVE COUNSEL'S DIGEST

AB 1355, as amended, Fong. County employees' retirement: survivor's allowances.

The County Employees Retirement Law of 1937 (CERL) authorizes a county to provide specified optional survivor's allowances to members who receive retirement benefits pursuant to both CERL and federal social security on a nonintegrated basis. CERL provides that these survivor's allowances shall be calculated according to one of 2 alternative methods.

This bill would appropriately cross-reference an alternative method of calculating survivor's allowances, as described above. The bill would also make technical changes.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 31855.5 of the Government Code is
- 2 amended to read:
- 3 31855.5. Upon the death of a member prior to retirement who
- 4 was a member continuously for not less than 18 months

1 immediately prior to the member's death, the member's surviving
2 spouse shall be paid a monthly survivor's allowance equal to the
3 sum, based upon the appropriate factual circumstances, specified
4 in Section 31855.8 or ~~31588.12~~ 31855.12.

5 SEC. 2. Section 31855.6 of the Government Code is amended
6 to read:

7 31855.6. Upon the death of a member prior to retirement who
8 was a member continuously for not less than 18 months
9 immediately prior to the member's death and who is survived by
10 one or more children but no surviving spouse, the child or children
11 shall be entitled to a monthly survivor's allowance as specified in
12 Section 31855.8 or ~~31588.12~~ 31855.12. The monthly survivor's
13 allowance of two or more children shall be divided equally as to
14 those children.

15 SEC. 3. Section 31855.7 of the Government Code is amended
16 to read:

17 31855.7. Upon the death of a member prior to retirement who
18 was a member continuously for not less than 18 months
19 immediately prior to the member's death, the member's surviving
20 parent or parents shall be entitled to a monthly survivor's allowance
21 as specified in Section 31855.8 or ~~31588.12~~ 31855.12.

22 SEC. 4. Section 31855.9 of the Government Code is amended
23 to read:

24 31855.9. Upon the death of a member prior to retirement who
25 was a member continuously for not less than 18 months
26 immediately prior to his death who is survived by a spouse with
27 whom the member was living at the time of death, the retirement
28 system shall pay to the surviving spouse, in addition to all other
29 payments due, if any, a lump sum supplemental survivorship
30 benefit of two hundred fifty-five dollars (\$255), as set forth in
31 Section 31855.8 or ~~31588.12~~ 31855.12. If the member is not
32 survived by a spouse with whom the member was living, the
33 retirement system shall apply a lump sum supplemental
34 survivorship benefit to reimburse the person who paid the funeral
35 expenses of the member in an amount not to exceed two hundred
36 fifty-five dollars (\$255).